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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,496	09/30/2003	Paul Lin	AUT02-NA02	6046
7590 Jeffrey P. Aiello 4911 Pony Pass Circle San Jose, CA 95136			EXAMINER SMITHERS, MATTHEW	
			ART UNIT	PAPER NUMBER
			2137	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/675,496

Applicant(s)

LIN ET AL.

Examiner

Matthew B. Smithers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-16 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/675,888 in view of U.S. patent 6,070,243 granted to See et al. Claim 1 of copending application 10/675,888 discloses a method for controlling access to a network by first proving a device is authentic. See disclose access to network resources are gained once authentication is completed. In order to prevent malicious damage to the network resources, it would have been obvious to provide network resources to a device as taught by

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See after the device had been authenticated as taught in copending application No. 10/675,888.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20010073791 granted to Vollmer et al.

Regarding claim 1, Vollmer meets the claimed limitations as follows:

"A method for strong access control to a network, the method comprising the following steps: (a) coupling an authentication device to a network; (b) transmitting a first response; (c) generating a second response upon receipt of the first response; (d) comparing the first response and second response; (e) authenticating the authentication device if the first response and second response match, and not authenticating the authentication device if the first response and second response do not match; and (f) providing access to network resources upon authentication of the authentication device." see

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paragraph [0037] (. . . a random number RB (the challenge) and sends it to external device 100. External device encrypts the challenge . . . sends the result via the gateway back to the bus manager (response). . . bus manager checks on whether random number RB has been encrypted using correct key KEB. After verification . . . The bus manager . . . may then allow or block access to certain resources of the network . . .); paragraphs [0038]-[0039]; [0041]-[0042] and Figures 2 and 3.

Regarding claim 2, Vollmer meets the claimed limitations as follows:

"The method of claim 1 wherein limited access is provided to network resources upon authentication of the authentication device." see paragraphs [0037]-[0039]; [0041]-[0042].

Regarding claim 3, Vollmer meets the claimed limitations as follows:

"The method of claim 1 wherein an access level is assigned to the authentication device." see paragraphs [0037]-[0039]; [0041]-[0042].

Regarding claim 4, Vollmer meets the claimed limitations as follows:

"The method of claim 1 further comprising: (g) determining whether the authentication device is coupled to the network, if the authentication device is not coupled to the network then repeating steps (a) through (f) and if the device is coupled to the network then providing access to network resources of the network upon authentication of the authentication device." see paragraphs [0037]-[0039]; [0041]-[0042].

Allowable Subject Matter

Claims 5-16 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention is directed to a method for providing strong access control to each resource requested on over the network. Independent claim 5 identifies the uniquely distinct features of "transmitting a subsequent response for accessing subsequent network resources; comparing the subsequent response to a subsequent network response; authenticating the authentication device if the subsequent response and subsequent network response match, and not authenticating the authentication device if the subsequent response and subsequent network do not match; and providing access to subsequent network resources upon authentication of the authentication device". Independent claim 9 identifies the uniquely distinct features of "transmitting a subsequent access request for accessing subsequent network resources; generating a subsequent network response upon receipt of the subsequent access request; comparing the subsequent access request and subsequent network response; authenticating the authentication device if the subsequent access request and subsequent network response match, and not authenticating the authentication device if the subsequent access request and subsequent network response do not match; and providing limited access to subsequent network resources upon authentication of the authentication device". The closest prior art, Vollmer et al (US 20040073791) discloses a conventional method of controlling access to network resources using a challenge/response mechanism fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. McClain (US 20040097217) discloses a method for providing authentication of a personal wireless communication device.

B. Dent et al (US 20020178385) discloses an access control system.

C. Champagne (US 7,194,761) discloses a method for authentication of a client device.


D. See et al (US 6,070,243) discloses a system for granting access to network resources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew B Smithers
Primary Examiner
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